



Office of the City Manager

CONSENT CALENDAR
July 25, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the Council meetings of June 6 (regular), June 13 (regular), June 20 (special closed and special) and June 27 (regular)

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. June 6, 2023 – Regular Council Meeting
2. June 13, 2023 – Regular Council Meeting
3. June 20, 2023 – Special Closed Council Meeting
4. June 20, 2023 – Special (WS) Council Meeting
5. June 27, 2023 – Regular Council Meeting

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, June 6, 2023
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244.

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://cityofberkeley-info.zoomgov.com/j/1605182859> . If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter Meeting ID: **160 518 2859**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

Please be mindful that the meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@cityofberkeley.info.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call: 6:03 p.m.

Present: Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin

Absent: Kesarwani, Bartlett

Councilmember Kesarwani present at 6:13 p.m.

Land Acknowledgement Statement: *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

Ceremonial Matters:

1. Recognition of Ms. Omania's Zero Waste Class at Oxford Elementary
2. Recognition of the Juneteenth Holiday on June 19, 2023
3. Recognition of Berkeley's Juneteenth Festival

City Auditor Comments:

Jenny Wong, City Auditor, provided an update, including the recent national award for the Berkeley Auditor's Office work on the Police Overtime Audit, and the introduction of the new public whistleblower program.

City Manager Comments: None

Public Comment on Non-Agenda Matters: 3 speakers.

Action: M/S/C (Arreguin/Hahn) to accept an urgency item from Councilmember Hahn pursuant to Government Code Section 54954.2(b)(2) entitled Resolution to Honor June 2023 as LGBTQ+ Pride Month.

Vote: Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 6 speakers.

Action: M/S/C (Arreguin/Hahn) to adopt the Consent Calendar in one motion except as indicated.

Vote: Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

Recess 7:31 p.m. – 7:52 p.m.

Urgent Item: Resolution to Honor June 2023 as LGBTQ+ Pride Month
From: Councilmember Hahn (Author), Councilmember Bartlett (Author), Mayor Arreguin (Co-Sponsor), Councilmember Taplin (Co-Sponsor)

Recommendation: Adopt a Resolution to honor June as LGBTQ+ Pride Month in the City of Berkeley and authorize the City Manager to fly the Rainbow Flag every year in the month of June.

Financial Implications: None

Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

Action: Adopted Resolution No. 70,870–N.S.

1. **Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on June 6, 2023**

From: City Manager

Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

Financial Implications: Various Funds - \$1,061,394

Contact: Henry Oyekanmi, Finance, (510) 981-7300

Action: Approved recommendation.

Consent Calendar

2. Shelter Plus Care Program Renewal Grants

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to receive funds and execute any agreements and amendments resulting from the renewal of the following grants: 1. Two Shelter Plus Care grants from U.S. Department of Housing and Urban Development (HUD): a) \$3,949,021 for Supportive Housing Collaborative Project (SHC) for the period June 1, 2023 through May 31, 2024; b) \$2,327,914 for COACH Project (COACH) for the period of January 1, 2023 through December 31, 2023. 2. One federal Shelter Plus Care grant received via Alameda County in a not-to-exceed amount of \$881,045 to provide tenant-based rental assistance to individuals who are chronically homeless and disabled from March 1, 2023 through February 28, 2024.

Financial Implications: See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Action: Adopted Resolution No. 70,871–N.S.

3. Request for Proposal for Martin Luther King, Junior (MLK) House

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to: 1. Release a Request for Proposals (RFP) seeking a new owner/operator for Martin Luther King, Junior (MLK) House currently owned by Resources for Community Development (RCD); and 2. Consider the reallocation of \$1,178,974 in 2021 Housing Trust Fund (HTF) Rehabilitation Funding initially awarded to RCD to the new owner/operator of MLK House as part of the transfer of property to help support rehabilitation of the existing housing.

Financial Implications: See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Action: Adopted Resolution No. 70,872–N.S.

4. Grant Application: The Surrendered and Abandoned Vessel Exchange (SAVE) Grant Program of the California Division of Boating & Waterways

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to 1) Apply for and accept a grant in the amount of \$60,000 from the California Division of Boating & Waterways (“DBW”) Surrendered and Abandoned Vessel Exchange (SAVE) grant program for the removal and disposal of anticipated abandoned vessels located at the Berkeley Marina; 2) Execute any amendments; and 3) Authorize a local match contribution of \$6,000.

Financial Implications: Grant - \$60,000

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Action: Adopted Resolution No. 70,873–N.S.

Consent Calendar

- 5. Contract Amendments for As-needed Trees Services with Bay Area Tree, Hamilton Tree, Professional Tree, and West Coast Arborist**
From: City Manager
Recommendation: Adopt four Resolutions authorizing the City Manager to amend contracts with Bay Area Tree Specialists (31900202), Hamilton Tree Service (31900193), Professional Tree Care (31900212), and West Coast Arborists (31900218), for as-needed tree services, increasing the amount by \$250,000 each.
Financial Implications: See report.
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,874–N.S. (Bay Area Tree), Resolution No. 70,875–N.S. (Hamilton Tree), Resolution No. 70,876–N.S. (Professional Tree), and Resolution No. 70,877–N.S. (West Coast Arborists).
- 6. Donation from the Bessemer Trust for Tree Planting**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$7,105 for tree planting at Indian Rock Park and John Hinkel Park from the Bessemer Trust.
Financial Implications: \$7,105 (Donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,878–N.S.
- 7. Contract: Rebuilding Together East Bay North for Just Transition Pilot Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or their designee to award a contract and execute any amendments, extensions, or change orders with Rebuilding Together East Bay North (RTEBN) in an amount not to exceed \$1,500,000 to develop and implement a Just Transition Pilot Program over a two-year period.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted Resolution No. 70,879–N.S.
- 8. Contract No. 32000020 Amendment: Rincon Consultants, Inc. for On-Call Planning and Environmental Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000020 with Rincon Consultants, Inc. to prepare an addendum to the 2023-2031 Housing Element Update Environmental Impact Report (EIR) for the Southside Zoning Implementation Program, increasing the contract amount by \$61,000 to a new total not-to-exceed contract amount of \$2,061,000.
Financial Implications: See report.
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted Resolution No. 70,880–N.S.

Consent Calendar

9. **Berkeley City Auditor Whistleblower Program**

From: Auditor, Mayor Arreguin (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)

Recommendation: Adopt a Resolution to support and endorse the City Auditor's plan to implement a Whistleblower Program. Consistent with the implementation plan, the City Auditor is currently requesting authorization to hire one additional Audit Manager.

Financial Implications: See report

Contact: Jenny Wong, Auditor, (510) 981-6750

Action: Adopted Resolution No. 70,881–N.S.

Council Consent Items

10. **Referral to City Manager and City Attorney: Tenant Habitability Plan and Amendments to Relocation Ordinance** *(Reviewed by the Land Use, Housing, & Economic Development Committee)*

From: Mayor Arreguin (Author)

Recommendation:

1. Refer to the City Manager and City Attorney to review and develop proposed amendments to the Berkeley Municipal Code to require a Tenant Habitability Plan for major construction or renovation at tenant occupied properties. Proposed language modeled after the City of Los Angeles' Tenant Habitability Plan requirements is attached for consideration. The City Manager should also return with information on the costs and staffing needs for implementation for future budget discussions.
2. Refer to the City Manager and City Attorney recommendations from the 4x4 City Council/Rent Board Joint Committee on Housing for amendments to the City's Relocation Ordinance, BMC Chapter 13.84 to strengthen and improve enforcement of the ordinance.

Policy Committee Recommendation: Forward the item to Council with a positive recommendation that the City Council approve the item with the Author's updated recommendations as follows:

1. *Refer to the City Manager and City Attorney to review and develop proposed amendments to the Berkeley Municipal Code to require a Tenant Habitability Plan for major construction or renovation at tenant occupied properties. Proposed language modeled after the City of Los Angeles' Tenant Habitability Plan requirements is attached for consideration. The City Manager should also return with information on the costs and staffing needs for implementation for future budget discussions. The committee further recommends that the City Manager establish an interdepartmental working group, including staff from Planning, HHCS, and the Rent Board.*
2. *Refer to the City Manager and City Attorney recommendations from the 4x4 City Council/Rent Board Joint Committee on Housing for amendments to the City's Relocation Ordinance, BMC Chapter 13.84 to strengthen and improve enforcement of the ordinance.*

Financial Implications: See report

Contact: Jesse Arreguin, Mayor, (510) 981-7100

Action: Councilmembers Hahn, Harrison, and Robinson added as co-sponsors.

Approved as recommended by the Land Use, Housing, & Economic Development Committee.

Council Consent Items

- 11. Amendments to the COVID-19 Emergency Response Ordinance**
From: Mayor Arreguin (Author), Councilmember Harrison (Author), Councilmember Hahn (Author), Councilmember Robinson (Author)
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 13.110, the COVID-19 Emergency Response Ordinance to adjust the required timeline to provide documentation proving that non-payment of rent was for a Covered Reason for Delayed Payment if an Unlawful Detainer is served.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Item continued to June 13, 2023, including revised materials in Supplemental Communications Packet #1 from Mayor Arreguin.
- 12. Budget Referral: Additional Street Maintenance Funding to Improve Pavement Condition, Saving Tax Dollars and Our Streets** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
From: Councilmember Kesarwani (Author), Councilmember Humbert (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)
Recommendation: Refer to the FY 2023-25 biennial budget process to further increase the street paving budget by \$4.7 million General Fund in FY 2024-25 for a total street paving budget of approximately \$20 million in FY 2024-25.
Policy Committee Recommendation: To send the item to Council with a positive recommendation.
Financial Implications: See report
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110
Action: Approved as recommended by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.
- 13. Bench Donation: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Bartlett (Author)
Recommendation: Adopt a Resolution approving the expenditure of funds, including \$3500 from Vice Mayor Bartlett for creating a community bench in memory of the efforts of community members made in 2020 on the Black Lives Matter movement, with funds relinquished to the City's General Fund for this purpose from the discretionary council office budget of Vice Mayor Bartlett and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$3,500
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Adopted Resolution No. 70,882–N.S.

Council Consent Items

- 14. Berkeley Juneteenth Festival: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Bartlett (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of funds, including \$1000 from Vice Mayor Bartlett for pre-planning of the Berkeley Juneteenth Festival (organized by Berkeley Juneteenth Association, Inc. 501(c)3), with funds relinquished to the City's General Fund for this purpose from the discretionary council office budget of Vice Mayor Bartlett and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$1,000
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Adopted Resolution No. 70,883–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - \$250; Councilmember Harrison - \$250; Councilmember Hahn - \$300; Councilmember Robinson - \$250; Councilmember Wengraf - \$350; Councilmember Taplin - \$1,000; Councilmember Humbert - \$300.
- 15. Refer \$7,000 to the June 2023 Budget Process to Purchase Marking Equipment to Engrave Identification Numbers onto Catalytic Converters**
From: Councilmember Harrison (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Referral to the June 2023 Budget Process for \$7,000 to purchase marking equipment to engrave identification numbers onto catalytic converters to deter theft and assist with investigations and recovery efforts.
Financial Implications: \$7,000
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Approved recommendation.
- 16. Referring \$15,000 to the June 2023 Budget Process for a City Recreational Vehicle Pump-Out Station**
From: Councilmember Harrison (Author)
Recommendation: Refer \$15,000 to the June 2023 Budget Process in Measure P funds for City recreational vehicle pump-out station, including minimal staffing costs, liability, maintenance, and replacement costs to allow individuals to discharge effluent waste directly into the City's sewer system.
Financial Implications: \$15,000
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Approved recommendation revised to change the amount to \$94,000.

Council Consent Items

17. **Support for SB-233 (Skinner)**

From: Councilmember Wengraf (Author), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)

Recommendation: Approve a letter to Senator Skinner in support of SB-233 (Skinner) Electric vehicles and electric vehicle supply equipment: bidirectional capability, and send copies to Assemblymember Wicks and Governor Newsom.

Financial Implications: None

Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Action: Approved recommendation.

Action Calendar – Public Hearings

18. Bird Safe Building Requirements; Adding Berkeley Municipal Code Section 23.304.150

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt first reading of an ordinance adding Berkeley Municipal Code Section 23.304.150 establishing Bird Safe Building requirements (“bird safe requirements”) for projects that require a building permit.

Financial Implications: See report

Contact: Jordan Klein, Planning and Development, (510) 981-7400

Public Testimony: The Mayor opened the public hearing. 43 speakers.

M/S/C (Arreguin/Hahn) to close the public hearing.

Vote: Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

Action: M/S/C (Wengraf/Arreguin) to:

1) adopt first reading of Ordinance No. 7,864–N.S. as amended in the revision submitted by Councilmember Harrison in Supplemental Communications Packet #2 and further amended at meeting as noted below. Second reading scheduled for June 27, 2023.

- Added exemption for landmarks and structures of merit.
- Amended applicable building locations to include building features between the ground and 75 feet above grade.
- Added exemption for residential or mixed-use projects 35 feet or less in height and/or less than 10,000 square feet of gross floor area.
- Amended phase-in period for non-residential buildings with lower hazard facades from January 1, 2025 to July 1, 2025.
- Added exemption for affordable housing projects, including High-Risk Features; and

2) Refer to the City Manager to provide the City Council a report on the bird safe building requirements no sooner than three years after effective date of this ordinance, including the following:

1. An update on the implementation of the ordinance and the costs, availability, and market for bird safe glass.
2. Review of the entire ordinance including but not limited to changing the applicability of the ordinance; and

3) Refer to the City Manager to explore providing applicants information on the bird safe building requirements and encourage voluntary compliance for projects not subject to the ordinance; and

4) Authorize the City Manager to make clarifying, non-substantive edits to the ordinance to meet the direction and intent of the Council’s action.

Vote: Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

Action Calendar – New Business

19. **2022 Police Equipment & Community Safety Ordinance Annual Report**
From: City Manager
Recommendation: Adopt a Resolution approving the 2022 Equipment Ordinance Annual Report.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Moved to Consent Calendar. Adopted Resolution No. 70,884–N.S.

Information Reports

20. **Police Overtime Audit Report Wins National Recognition**
From: Auditor
Contact: Jenny Wong, Auditor, (510) 981-6750
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 3 speakers.

Adjournment

Action: M/S/C (Arreguin/Robinson) to adjourn the meeting.

Vote: Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin;
Noes – None; Abstain – None; Absent – Bartlett.

Adjourned at 10:31 p.m.

I hereby certify that the forgoing is a true and correct record of the regular meeting held on June 6, 2023.

Mark Numainville, City Clerk

Communications

Item # 18: Bird Safe Building Requirements; Adding Berkeley Municipal Code Section 23.304.150

1. Teresa Ely, on behalf of the Golden Gate National Parks Conservancy
2. Bonnie Lewkowicz
3. Lucy Kenyon
4. Jeannette Kortz
5. Marie Mika
6. Janet Johnson
7. Tom Kelly
8. Victor Ichioka
9. Cathy Condon

10. Marista Jarvis
11. Deborah Crooks
12. Amanda Noguera
13. Margo Schueler
14. Hilla Abel
15. Lucas Tobin
16. Emma Cox
17. Karen Rothblatt (2)
18. Birgit Graeve
19. Keith Johnson
20. O'Brien Thiele
21. Katrina Lundstedt
22. Mary Lynn Morales
23. Charlene Woodcock
24. Sheila Metcalf Tobin
25. Jan and Steven
26. Robert Keller
27. Kim Thompson
28. Isabelle Gaston
29. Miriam Fabbri
30. Kathleen Clancy
31. Wendy Bloom
32. Eric Friedman
33. Peggy Scott
34. Linda Burden
35. Patricia Long
36. Bobbi Sloan
37. Melina Howard-Herrarte, on behalf of the Sierra Club
38. Mary Frank
39. Janice Murota
40. Lois Cantor
41. Elizabeth McAnally
42. Merle Norman
43. Andrew Chan
44. Deborah Green
45. Basak Altan
46. Jenny White
47. Juli Dickey
48. Richard Peterson
49. Cheryl Fippen
50. Pamela Nudel
51. Russ Greene
52. Irene Rice
53. Alex Stec
54. Amy Dunn
55. Brenda Wallace

56. Nancy Yates
57. Michelle Squitieri
58. Kelsey Seymour
59. Alicia Telford
60. Andrea Aidells
61. Sherry Reson
62. Sheila Goldmacher
63. Sylvia Soriano
64. Donald Goldmacher
65. Miranda Ewell
66. Ariel Smith-iyer
67. Linda Zagula
68. Jeff White
69. Melissa Quilter
70. Natalie Nussbaum
71. Roberta Wyn, on behalf of Citizens for East Shore Parks
72. Allison Kidder
73. Scott Loss
74. Joshua Bradt
75. Analia Hawkins
76. Noreen Weeden, Golden Gate Audubon Conservation Committee
77. Eva Shu
78. Beverly Tharp
79. Lovell Jarvis
80. Gianna Ranuzzi
81. Bonnie Borucki, on behalf of We Bee Gardner's
82. Kelly Hammargren
83. Linda Currie
84. Erin Diehm
85. Sally Nelson
86. Carla Woodworth
87. Pam Stello
88. Pierre Thiry
89. Selma Danskin
90. Glenn Phillips, on behalf of Golden Gate Audubon
91. Helen Morgan
92. Janet Carpinelli
93. Laura Watkins

Unhoused Becoming Unhinged

94. Jeff Morgan, on behalf of Covenant Wines
95. Farley Gwazda
96. Councilmember Kesarwani

Berkeley Police Chief

97. Karen Libby
98. Diana Andreeva

- 99. Josh Buswell-Charkow
- 100. Tom Attar
- 101. Janice Schroeder
- 102. Margot Smith

Ambulance Service in North Berkeley

- 103. Varya Simpson
- 104. Stefanie and William Gynn
- 105. Peggy Mendelson
- 106. Tom Burns
- 107. Rhyena Halpern
- 108. Hubert von Marschall
- 109. Susan Matisoff
- 110. Barbara Lanier

Housing

- 111. Melinda Howard-Herrarte, Chair, Northern Alameda County Sierra Club

Commission Vacancies at Human Welfare and Community Action

- 112. David Knight, CalCAPA

3000 Shattuck Project

- 113. Larisa Cummings

Chess Club

- 114. Jeffery Mitchell

Decriminalize Psychedelics

- 115. Esther Lerman

Domestic Violence

- 116. Linda Xyz

African American Holistic Resource Center

- 117. Walter Wood
- 118. Moni Law

Mental Health Crisis

- 119. Fred Dodsworth

Sidewalk Safety

- 120. John Cooke

Keep California Public Transit Moving

- 121. Dulanya Cooray

Neighborhood Watch

122. Vivian Warkentin

2023 Dilemma

123. Carolyn E. Moore

Tax/Fee Freeze

124. Barbara Gilbert (2)

Senior Artists' Colony

125. Joann Sullivan

Crosswalk at 6th and Addison

126. Rebecca Herman

Police Accountability Board Budget Recommendations

127. Hansel Aguilar

Invitation to Attend Police Accountability Board Meeting

128. Hansel Aguilar

Hopkins Corridor

129. Carol Hirth

130. Kathleen Davis

131. Josie Gerst

132. Kay Englund

133. Leni Siegel

134. Stephen Wood

135. Susan Taylor

136. Cindi Goldberg

137. Verna Winters

138. Howard Goldberg

139. Pamela Zelnik

140. Lee Bishop

141. John Parman

142. Dorothea Dorenz

143. Karen Gordon

144. Melinda Howard-Herrarte, on behalf of Sierra Club

Pavement Smoothness and Fuel Efficiency

145. David Lerman

UA Theatre

146. Arlene Owseichik

Cesar Chavez and Dolores Huerta Tribute Site

147. Beatriz Leyva-Cutler

Offices to Housing

148. Merry Selk

Bayer - Amended and Restated Development Agreement Year One Reporting

149. Jennifer Cogley, Bayer Community Relations

Gas Leaf Blowers

150. Gary VanderPol

Vietnam Era Veteran

151. Will Elliott

Help Rachida To Find Housing

152. Birgit Graeve

Lithium Ion Battery Information

153. David Sprague, Berkeley Fire Chief

Asking Assistance with Criminal Justice and Accountability for Injury

154. Benjamin Stein

Keep Masks in Health Care + COVID Safety

155. Sophie

Wednesday Threat Alert at Urban Adamah

156. Adam Weisberg

157. Councilmember Harrison

URL's Only

158. Vivian Warkentin

159. Kevin Burke

Supplemental Communications and Reports 1

Item # 11: Amendments to the COVID-19 Emergency Response Ordinance

160. Supplemental material, submitted by Mayor Arreguin

Item # 18: Bird Safe Building Requirements; Adding Berkeley Municipal Code

Section 23.304.150

161. Katharine Bierce

162. Melanie Bowden

163. Lara Rachowicz

164. Diana Bohn

165. Cassandra

166. Sharol Embry

167. Anne Rowe
168. Kimberly Young
169. Peggy Mulligan
170. Alexandra Ozols
171. Sarah Hinds
172. Melanie Lutz
173. Alan Ashbaugh
174. Nel Benningshof
175. Diana Bohn
176. Ray Zhu
177. Pamela Glassoff
178. Judy Noddin
179. Sandra Morey
180. Andrea Matsushima
181. Anita Pereira
182. Patricia Kale
183. Rick Gaston
184. Kathy Kramer
185. Bernard Marszalek
186. Carol Hirth
187. Heather Sabin
188. Donna Sharee
189. Robert Hall
190. Susan Payne
191. Janice Tweedy
192. Kate Stenberg
193. Becca Todd
194. Allison Levin
195. Joe Marsala
196. Delia Taylor
197. Sally Tobin
198. Janet Byron
199. Jennifer Kern
200. Harrison
201. Kelly Hammargren
202. Mari Vlastos
203. Ellen O'Donnell
204. Sally de Becker

Supplemental Communications and Reports 2

Item # 18: Bird Safe Building Requirements; Adding Berkeley Municipal Code Section 23.304.150

205. Revised material, submitted by Councilmember Harrison
206. Supplemental material, submitted by Councilmember Kesarwani
207. Jennifer Steele
208. Kelly Hammargren

- 209. Lois Yuen
- 210. Sally Nelson
- 211. William Barclay
- 212. Cathy Fogel
- 213. Zipporah Collins
- 214. Christopher Kroll
- 215. Sierra Glassmab
- 216. Jaewon Lee
- 217. Judith Dunham
- 218. Sharon Anderson
- 219. Jonathan Wieder
- 220. Sally Wong
- 221. TM Scruggs
- 222. Linda Zagula
- 223. David Jaber
- 224. Penny Barron
- 225. Jesse Greenspan
- 226. Sylvia Hawley
- 227. Deborah Finch
- 228. Jonathan Curley
- 229. Laura Klein
- 230. Charles Byrne
- 231. Peg Bogle
- 232. Meredith Hall
- 233. Steve Robey
- 234. Roshann Wallen
- 235. Alan Ramo
- 236. Cindy Shamban
- 237. Chad Wilsey
- 238. Keith Johnson

Honoring June 2023 as LGBTQ+ Pride Month

- 239. Urgent Item submitted by Councilmembers Hahn and Bartlett (Authors) and Mayor Arreguin and Councilmember Taplin (Co-sponsors)

Item #18: Bird Safe Building Requirement; Adding Berkeley Municipal Code section 23.304.150

- 240. 462 Communications submitted via Berkeley Considers, includes summary information

Supplemental Communications and Reports 3

Item # 18: Bird Safe Building Requirements; Adding Berkeley Municipal Code Section 23.304.150

- 241. Presentation, submitted by Planning Department
- 242. Marianne Jensen
- 243. Jacqueline Lasahn
- 244. Bet Muth

- 245. Kelly Hammargren
- 246. Xander Boutelle
- 247. Leeor Neta
- 248. Miranda Ewell
- 249. Jan Murota
- 250. Wanda Warkentin
- 251. Daniel Klem
- 252. Peter Saenger, on behalf of Acopian Center for Ornithology
- 253. Christine Sheppard, on behalf of American Bird Conservancy
- 254. Liz Varnhagen
- 255. Erin Diehm
- 256. Gregory Kalkanis
- 257. Jaine Gilbert
- 258. Ingrid Crickmore
- 259. Rhea Sundqvist
- 260. Ariella Seidenberg
- 261. Timothy O'Connell
- 262. Glenn Phillips, on behalf of the Golden Gate Audubon Society

Miscellaneous

- 263. Benjamin Stein
- 264. Mr. Eid

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, June 13, 2023
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

TELECONFERENCE LOCATION - SOFITEL WASHINGTON DC LAFAYETTE SQUARE
 806 15TH ST NW, WASHINGTON, DC 20005

TELECONFERENCE LOCATION – 1619 EDITH STREET, BERKELEY, CA 94703

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
 DISTRICT 2 – TERRY TAPLIN
 DISTRICT 3 – BEN BARTLETT
 DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
 DISTRICT 6 – SUSAN WENGRAF
 DISTRICT 7 – RIGEL ROBINSON
 DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244.

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://cityofberkeley-info.zoomgov.com/j/1613410530>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter Meeting ID: **161 341 0530**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

Please be mindful that the meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@cityofberkeley.info.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call: 6:07 p.m.

Present: Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert

Absent: Bartlett, Arreguin

Mayor Arreguin present at 7:13 p.m.

Councilmember Bartlett present at 7:26 p.m.

Land Acknowledgement Statement: *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

Ceremonial Matters:

1. Adjourned the Meeting in Memory of James Henry Jacobs, Jr., Berkeley's First African-American Librarian

City Manager Comments: None

Public Comment on Non-Agenda Matters: 5 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 5 speakers.

Action: M/S/C (Hahn/Harrison) to adopt the Consent Calendar in one motion except as indicated.

Vote: Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert; Noes – None; Abstain – None; Absent – Bartlett, Arreguin.

Recess 6:57 p.m. – 7:13 p.m.

Consent Calendar

- 1. Re-Vote to Adopt the Final Ordinance to Amend the Miscellaneous CalPERS Contract to Effectuate PEPRA Cost Sharing Agreements**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,863 N.S. – the final Ordinance amending the City’s contract with CalPERS to effectuate changes to the cost sharing agreement between the City and PEPRA members of Service Employees International Union, Local 1021 Maintenance and Clerical (SEIU MC), SEIU Local 1021 Community Services & Part-Time Recreation Leaders Association (CSU/PTRLA), Public Employees Union Local 1 (Local 1), and the Unrepresented Employees group – in compliance with Government Code Section 20471.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Harrison.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
Action: Adopted second reading of Ordinance No. 7,863–N.S.
- 2. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on June 13, 2023**
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager’s threshold will be returned to Council for final approval.
Financial Implications: Various Funds - \$650,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.
- 3. Temporary Appropriations FY 2024**
From: City Manager
Recommendation: Adopt a Resolution authorizing a temporary appropriation in the sum of \$50,000,000 to cover payroll and other expenses from July 1, 2023, until the effective date of the FY 2024 Annual Appropriations Ordinance.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 70,885–N.S.
- 4. FY 2024 Tax Rate: Fund the Debt Service on the Affordable Housing General Obligation Bonds (Measure O, November 2018 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2024 tax rate funding the debt service on the Affordable Housing General Obligation Bonds (Measure O, November 2018) at 0.0250%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,865–N.S. Second reading scheduled for June 27, 2023.

Consent Calendar

- 5. FY 2024 Tax Rate: Fund Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF)**
From: City Manager, City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2024 tax rate for funding Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF) in the City of Berkeley at the annual tax rate of \$0.1176 (11.76 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300, David Sprague, Fire, (510) 981-3473
Action: Adopted first reading of Ordinance No. 7,866–N.S. Second reading scheduled for June 27, 2023.
- 6. FY 2024 Tax Rate: Fund Debt Service on Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2024 tax rate for funding the debt service on the Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election) at 0.0050%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,867–N.S. Second reading scheduled for June 27, 2023.
- 7. FY 2024 Tax Rate: Fund Debt Service on 2015 Refunding General Obligation Bonds (Measures G, S & I)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2024 tax rate funding the debt service on the 2015 consolidation of Measures G, S and I (General Obligation Bonds - Elections of 1992, 1996 and 2002) at 0.0115%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,868–N.S. Second reading scheduled for June 27, 2023.

Consent Calendar

- 8. FY 2024 Tax Rate: Fund the Debt Service on the Infrastructure and Facilities General Obligation Bonds (Measure T1, November 2016 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2024 tax rate funding the debt service on the Infrastructure and Facilities Improvements General Obligation Bonds (Measure T1, November 2016) at 0.0140%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,869–N.S. Second reading scheduled for June 27, 2023.
- 9. FY 2024 Tax Rate: Fund the Debt Service on the Street and Watershed Improvements General Obligation Bonds (Measure M, November 2012 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2024 tax rate funding the debt service on the Street and Integrated Watershed Improvements General Obligation Bonds (Measure M, November 2012) at 0.0065%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,870–N.S. Second reading scheduled for June 27, 2023.
- 10. FY 2024 Tax Rate: Business License Tax on Large Non-Profits**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2024 tax rate for Business License Tax on large non-profits at \$0.7909 (79.09 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,871–N.S. Second reading scheduled for June 27, 2023.
- 11. FY 2024 Tax Rate: Fund the Maintenance of Parks, City Trees and Landscaping**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2024 tax rate for funding all improvements for the maintenance of parks, City trees, and landscaping in the City of Berkeley at \$0.2130 (21.30 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,872–N.S. Second reading scheduled for June 27, 2023.

Consent Calendar

- 12. FY 2024 Tax Rate: Fund the Provision of Emergency Medical Services (Paramedic Tax)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2024 tax rate for funding the provision of emergency medical services to Berkeley residents at \$0.0451 (4.51 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,873–N.S. Second reading scheduled for June 27, 2023.
- 13. FY 2024 Tax Rate: Fund Emergency Services for the Severely Disabled (Measure E)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2024 tax rate for funding the provision of emergency services for the disabled at \$0.02018 (2.018 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,874–N.S. Second reading scheduled for June 27, 2023.
- 14. Contract: Berkeley Unified School District for Mental Health and Wellbeing Coordinator at Berkeley High School**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with the Berkeley Unified School District (BUSD) for a Mental Health and Wellness Coordinator at Berkeley High School (BHS) for a total contract limit of \$350,000 for the period beginning June 26, 2023 and ending June 30, 2025.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,886–N.S.
- 15. Contract No. 32200084 Amendment: Capoeira Arts Foundation, Inc. (CAF), COVID-19 Outreach & Education**
From: City Manager
Recommendation: Adopt a Resolution amending Contract No. 32200084 with Capoeira Arts Foundation, Inc. (CAF), to extend the contract end date through June 30, 2024 and increase the not-to-exceed amount (NTE) by \$65,000 utilizing one-time grant funds. The amendment will increase the NTE amount from \$ 206,025 to \$271,025.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,887–N.S.

Consent Calendar

- 16. Contract No. 32200135 Amendment: Multicultural Institute, COVID-19 Outreach & Education**
From: City Manager
Recommendation: Adopt a Resolution amending Contract No. 32200135 with Multicultural Institute, to extend the contract end date through June 30, 2024 and increase the not to exceed amount (NTE) by \$65,000 utilizing one-time grant funds. The amendment will increase the NTE amount from \$121,000 to \$186,000.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,888–N.S.
- 17. Ephesian Legacy Court and Woolsey Gardens Housing Trust Fund Reservations**
From: City Manager
Recommendation: Adopt a Resolution: 1. Reserving \$14,531,301 in Housing Trust Fund program funds for a development loan for Community Housing Development Corporation’s Ephesian Legacy Court (1708 Harmon Street) affordable housing development. 2. Reserving \$1,000,000 in Housing Trust Fund program funds for a predevelopment loan for Northern California Land Trust’s Woolsey Gardens (3120-3130 Shattuck) affordable housing development and waiving Sections I.A.1 and III.A.1 of the Housing Trust Fund Guidelines. 3. Authorizing the City Manager or her designee to execute all original or amended documents or agreements to effectuate these actions.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,889–N.S.
- 18. Funding Recommendation for the Russell Street Project at 1741-1747 Russell**
From: City Manager
Recommendation: Adopt a Resolution: 1. Reserving up to \$4,500,000 in General Funds received pursuant to Measure P for the Russell Street supportive housing project at 1741, 1743, and 1747 Russell Street as proposed by Berkeley Food and Housing Project (BFHP), contingent on BFHP’s timely submission of a complete application demonstrating they meet the City’s funding criteria; and 2. Authorizing the City Manager or her designee to execute all original or amended documents or agreements to effectuate this action.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,890–N.S.

Consent Calendar

19. **Contract: Chemical Procurement Services, LLC for King and West Campus Swim Centers**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Chemical Procurement Services, LLC for King and West Campus Swim Centers for a not-to-exceed total amount of \$120,000 over a two-year period, beginning July 1, 2023 and ending June 30, 2025, contingent upon annual budget appropriations.
Financial Implications: General Fund - \$120,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,891–N.S.
20. **Contract No. 32100065 Amendment: BMI Imaging Systems, Incorporated for Data Conversion Services for the Berkeley Police Department**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32100065 and any necessary amendments with BMI Imaging Systems, Incorporated for continuing data conversion services and necessary hosting services for the Berkeley Police Department (BPD), increasing the amount by \$60,000 for a total contract not to exceed \$260,000 and extending the term to six years through August 31, 2026.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 70,892–N.S.
21. **Declaration of Intent – Fiscal Year 2024 Street Lighting Assessments**
From: City Manager
Recommendation: Adopt two Resolutions granting the City Manager the authority to approve the Engineer’s Reports; set a public hearing to be held before the Council of the City of Berkeley at its June 27, 2023 meeting; and authorize the City Clerk to publish Notice of the Public Hearing for Fiscal Year 2024 Levy of Assessments for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District 2018.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,893–N.S. (District No. 1982-1), and Resolution No. 70,894–N.S. (District 2018).

Action Calendar – Public Hearings

22. Amendments to Berkeley Election Reform Act; Amending Berkeley Municipal Code Chapter 2.12

From: Fair Campaign Practices Commission

Recommendation: Conduct a public hearing and, upon conclusion, adopt first reading of an ordinance amending the Berkeley Election Reform Act (BMC Chapter 2.12) to modify the forms required to open a campaign committee, change the deadline to qualify for the public financing program and make associated amendments, clarify the rules for public financing candidates that do not qualify for the ballot, add an automatic inflator for the amount a public financing candidate can give to their own committee, clarify post-election processes for public financing candidates, modify the threshold to create a campaign committee, and clarify the rules for returning certain types of contributions.

Financial Implications: None

Contact: Sam Harvey, Commission Secretary, (510) 981-6950

Public Testimony: The Mayor opened the public hearing. 0 speakers.

M/S/C (Arreguin/Wengraf) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Humbert/Taplin) to adopt the first reading of Ordinance No. 7,875–N.S. Second reading scheduled for June 27, 2023.

Vote: All Ayes.

23. FY 2024 Proposed Budget Update Public Hearing #2

From: City Manager

Recommendation: Conduct Public Hearing #2 on the FY 2024 Proposed Budget Update and provide staff with comments and direction.

Financial Implications: See report

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

Public Testimony: The Mayor opened the public hearing. 13 speakers.

M/S/C (Arreguin/Robinson) to close the public hearing.

Vote: Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

Councilmember Bartlett absent 9:41 p.m. – 9:43 p.m.

Recess 9:43 p.m. – 9:50 p.m.

Action: Presentation made and discussion held. No action taken.

Action Calendar – Old Business

24. **Surveillance Ordinance items related to Fixed Surveillance Cameras and Unmanned Aerial Systems (UAS)** *(Continued from May 23, 2023) (Item contains Revised and Supplemental Material)*

From: City Manager

Recommendation: Adopt a Resolution approving the Surveillance Ordinance items related to Fixed Surveillance Cameras and Unmanned Aerial Systems (UAS).

Financial Implications: See report

Contact: Jennifer Louis, Police, (510) 981-5900

Action: M/S/C (Arreguin/Harrison) to suspend the rules and extend the meeting to 11:30 p.m.

Vote: All Ayes.

Action: 22 speakers. M/S/C (Taplin/Harrison) to adopt Resolution No. 70,895–N.S. approving the Surveillance Ordinance items related to Fixed Surveillance Cameras and Unmanned Aerial Systems (UAS) as amended in Supplemental Communications Packet #2 by Mayor Arreguin with the additions from Councilmember Humbert and the recommended changes from the City Attorney's Office; and to make corresponding changes to Policy 1304.

Vote: All Ayes.

Action Calendar – New Business

25. Provide Direction on Closing the Funding Gap to Complete Remaining Measure T1 Projects

From: City Manager

Recommendation: Identify up to \$9.062M to cover the Measure T1 funding gap in order to complete the current remaining T1 projects.

Financial Implications: See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700, Sharon Friedrichsen, Budget Manager, (510) 981-7000, Liam Garland, Public Works, (510) 981-6300

Action: M/S/C (Arreguin/Harrison) to suspend the rules and extend the meeting to 11:45 p.m.

Vote: All Ayes.

Action: 26 speakers. M/S/C (Arreguin/Harrison) to approve the recommendation of the Budget & Finance Committee to cover the Measure T1 funding gap, inclusive of the 6,000 square foot African American Holistic Resource Center project, as follows:

- Use \$4,050,000 from the Workers Compensation Fund;
- Use \$2,800,000 of \$6,750,000 allocated for the Hopkins Bike/Pedestrian T1 Project;
- Use \$500,000 from the North Berkeley Senior Center (NBSC) Solar Battery Storage T1 Project;
- Use \$643,899 of \$1,293,889 from the Street/ Intersection Security Camera Project (General Fund (GF)); and
- Use \$666,101 of \$1,300,000 from Fire Station 6 T1 Project.

Vote: All Ayes.

Action Calendar – Continued Business

A. Amendments to the COVID-19 Emergency Response Ordinance *(Continued from June 6, 2023)*

From: Mayor Arreguin (Author), Councilmember Harrison (Author), Councilmember Hahn (Author), Councilmember Robinson (Author)

Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 13.110, the COVID-19 Emergency Response Ordinance to adjust the required timeline to provide documentation proving that non-payment of rent was for a Covered Reason for Delayed Payment if an Unlawful Detainer is served.

Financial Implications: None

Contact: Jesse Arreguin, Mayor, (510) 981-7100

Action: 2 speakers. M/S/C (Arreguin/Hahn) to adopt the first reading of Ordinance No. 7,876–N.S as amended in Supplemental Communications Packet #2 by Mayor Arreguin. Second reading scheduled for June 27, 2023.

Vote: Ayes – Taplin, Bartlett, Harrison, Hahn, Robinson, Arreguin; Noes – Humbert; Abstain – Kesarwani, Wengraf.

Public Comment – Items Not Listed on the Agenda - 0 speakers.

Adjournment

Action: M/S/C (Arreguin/Wengraf) to adjourn the meeting.

Vote: All Ayes.

Adjourned at 11:42 p.m.

I hereby certify that the forgoing is a true and correct record of the regular meeting held on June 13, 2023.

Mark Numainville, City Clerk

Communications

Item #24: Surveillance Ordinance items related to Fixed Surveillance Cameras and Unmanned Aerial Systems (UAS)

1. John Parman
2. Christoverre Koher (2)
3. Carole Marasovic

Crime in Berkeley is Unacceptable

4. Tamara Birdsall
5. Dorothea Dorenz

Appreciation of Sergeant Perkins Badge #57

6. Anthony Johnson

Ellis Street Repairs Now – Mural Restoration

7. Catherin Huchting, et al

People's Park

8. Wendy Stephens

Artists Affordable Housing Certification Program

9. Kathryn Reasoner

Use Permit for 3000 Shattuck

10. Lynn Cooper

Traffic Calming Henry Street Area

11. Simone Hoelck

\$5.1M for the Waterfront

12. Jack Kurzweil

Dept. of Alcoholic Beverage Control for 1834 4th Street, Berkeley

13. Anneata Williams, ABC

UC's EIR at People's Park

14. Joe Liesner

Police Accountability Board

15. Bill Williams

Ashby BART Station RFP and Reparative Investments

16. South Berkeley Now

Lessons from a Renters' Utopia (NY Times)

17. Jack Kurzweil

18. Joe Berry

Cal Sailing Club Volunteer

19. Onaje Boone

UA Theater

20. Robert Cooper

Rent Control

21. Platon Yerofeyev

Targeted Justice

22. Special K

"Youth Peace" Campaign in California

23. Douglas Wain, on behalf of Youth Peace

Jail Time Affecting Credit Scores

24. Lavell Young

Supplemental Communications and Reports 1

Item #24: Surveillance Ordinance items related to Fixed Surveillance Cameras and Unmanned Aerial Systems (UAS)

25. Dorothea Dorenz

Supplemental Communications and Reports 2

Item #23: FY 2024 Proposed Budget Update Public Hearing #2

26. Supplemental material, submitted by the City Manager

27. Letter of Support for African-American Holistic Resource Center

Item #24: Surveillance Ordinance items related to Fixed Surveillance Cameras and Unmanned Aerial Systems (UAS)

28. Supplemental material, submitted by Councilmember Taplin and Wengraf
29. Supplemental material, submitted by Mayor Arreguin
30. Priyanka
31. Ms. K
32. Kimberly Damer
33. Gregory Kalkanis
34. Jasmine Smith
35. Jill Travis
36. Carmen Sandgren
37. Lisa Tsering
38. Valarie Phillips
39. Elizabeth Areiza
40. Paula Reeves
41. Grace Hartman
42. SafeBears Info
43. Mary Chow
44. 10 similarly-worded form letters

Item #25 Provide Direction on Closing the Funding Gap to Complete Remaining Measure T1 Projects

45. Revised material, submitted by Councilmember Kesarwani

Item #A: Amendments to the COVID-19 Emergency Response Ordinance

46. Revised material, submitted by Mayor Arreguin
47. Supplemental material, submitted by Mayor Arreguin (originally submitted for the June 6, 2023 Council meeting)

Supplemental Communications and Reports 3

Item #14: Contract: Berkeley Unified School District for Mental Health and Wellbeing Coordinator at Berkeley High School

48. Todd Andrew

Item #23: FY 2024 Proposed Budget Update Public Hearing #2

49. Presentation, submitted by the City Manager's Office

Item #24: Surveillance Ordinance items related to Fixed Surveillance Cameras and Unmanned Aerial Systems (UAS)

50. Berkeley Police Department
51. Todd Andrew
52. Steve Kromer
53. Christine Staples
54. Grace Morizawa, Chair, Peace and Justice Commission
55. Monika Mann
56. Elana Auerbach
57. Toni Mester

- 58. Steve Ravellette
- 59. Margaret Flaherty

Item #25 Provide Direction on Closing the Funding Gap to Complete Remaining Measure T1 Projects

- 60. Rosa Higgs
- 61. Grace Morizawa, Chair, Peace and Justice Commission
- 62. Todd Andrew
- 63. Derethia DuVal
- 64. Friends of Adeline
- 65. Esther Bass
- 66. Lynn Cooper
- 67. Delores Nochi Cooper
- 68. Willie Phillips
- 69. Paola Laverde
- 70. Negeene Mosaed
- 71. David Brandon
- 72. Christoverre Kohler
- 73. Wyndy
- 74. Moni Law
- 75. Wilhelmenia Wilson
- 76. Cheryl Davila
- 77. Helen Toy
- 78. Lois Yuen

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

TUESDAY, JUNE 20, 2023

4:00 P.M.

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, CA 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – MARK HUMBERT

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Preliminary Matters

Roll Call: 4:09 p.m.

Present: Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguín

Absent: Kesarwani, Taplin, Bartlett

Councilmember Taplin present at 4:27 p.m.

Public Comment – Limited to items on this agenda only: 0 speakers

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) and 54956.9(d)(1)

a. *Dresslar v. City of Berkeley*, Alameda County Superior Court Case No. RG21094748

Action: M/S/C (Arreguin/Robinson) to approve a settlement in the matter of *Dresslar v. City of Berkeley*, Alameda County Superior Court Case No. RG21094748, in the amount of \$74,354 in exchange for a release of all claims against the City.

Vote: Ayes – Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguín; Noes – None; Abstain – None; Absent – Taplin, Kesarwani, Bartlett.

b. *Service Employees International Union Local 1021 v. City of Berkeley*
California Public Employment Relations Board, Unfair Practice Charge No. SF-CE-1965-M

Action: M/S/C (Hahn/Harrison) to approve a settlement in the matter of *Service Employees International Union Local 1021 v. City of Berkeley*, California Public Employment Relations Board, Unfair Practice Charge No. SF-CE-1965-M, wherein the City agrees to amend Administrative Regulation (AR) 2.23 in exchange for a withdrawal with prejudice of the Charge against the City.

Vote: Ayes – Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguín; Noes – None; Abstain – None; Absent – Kesarwani, Bartlett.

2. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Anne Cardwell, Deputy City Manager, LaTanya Bellow, Deputy City Manager, Aram Kouyoumdjian, Human Resources Director, Dawud Brewer, Employee Relations Manager, Jonathan Holtzman, Renne Public Law Group.

Employee Organizations: Berkeley Fire Fighters Association Local 1227 I.A.F.F., Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire Officers Association; Berkeley Police Association

Councilmember Taplin absent at 5:20 p.m.

Action: No reportable action taken.

OPEN SESSION:

The City Council met in closed session to discuss the matter of *Dresslar v. City of Berkeley*, Alameda County Superior Court Case No. RG21094748, and approved a settlement of that matter in the amount of \$74,354 in exchange for a release of all claims against the City.

The City Council also met in closed session to discuss the matter of *Service Employees International Union Local 1021 v. City of Berkeley*, California Public Employment Relations Board, Unfair Practice Charge No. SF-CE-1965-M, and approved a settlement of that matter wherein the City agrees to amend Administrative Regulation (AR) 2.23 in exchange for a withdrawal with prejudice of the Charge against the City.

Adjournment

Action: M/S/C (Arreguín/Hahn) to adjourn the meeting.

Vote: Ayes – Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguín; Noes – None; Abstain – None; Absent – Taplin, Bartlett, Kesarwani.

Adjourned at 5:41 p.m.

I hereby certify that the forgoing is a true and correct record of the closed session held on June 20, 2023.

Sarah Bunting, Assistant City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

- None

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

**Tuesday, June 20, 2023
6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702
TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, CA 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
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Preliminary Matters

Roll Call: 6:07 p.m.

Present: Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin

Absent: Kesarwani, Taplin, Bartlett

Councilmember Bartlett present at 6:08 p.m.

Councilmember Kesarwani present at 7:06 p.m.

Worksession

- Berkeley Economic Dashboards Update** (*Continued from March 14, 2023*)
From: City Manager
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: 4 speakers. Presentation made and discussion held.
- Climate Action Plan and Resilience Update** (*Continued from March 14, 2023*)
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: 9 speakers. Presentation made and discussion held.

Adjournment

Action: M/S/C (Arreguin/Bartlett) to adjourn the meeting.

Vote: Ayes – Bartlett, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Kesarwani, Taplin.

Councilmember Kesarwani absent 8:21 p.m. – 9:13 p.m.

Adjourned at 9:13 p.m.

I hereby certify that the forgoing is a true and correct record of the special meeting held on June 20, 2023.

Mark Numainville, City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

Item #2: Climate Action Plan and Resilience Update

1. Presentation, submitted by Planning and Development
2. Todd Andrew

Miscellaneous

3. Message from EID

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, June 27, 2023
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, CA 94708

TELECONFERENCE LOCATION - SHERATON GATEWAY LOS ANGELES HOTEL,
6101 WEST CENTURY BOULEVARD, LOS ANGELES, CA 90045

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
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Preliminary Matters

Roll Call: 6:07 p.m.

Present: Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin

Absent: Kesarwani, Bartlett

Councilmember Bartlett present at 6:09 p.m.

Councilmember Kesarwani present at 6:13 p.m.

Land Acknowledgement Statement: *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

Ceremonial Matters:

1. Recognition of Dr. Lisa B. Hernandez, Berkeley Public Health Officer
2. Adjourn in memory of Dorothy Walker, Local Activist
3. Adjourn in memory of Gus Newport, Former Mayor of Berkeley

City Manager Comments: None

Public Comment on Non-Agenda Matters: 5 speakers.

Action: M/S/C (Arreguin/Bartlett) to accept an urgency item from the City Manager pursuant to Government Code Section 54954.2(b)(2) entitled Memorandum of Understanding with Alameda County for Temporary Coverage for Public Health Officer, and place the item on the Consent Calendar.

Vote: All Ayes.

Action: M/S/C (Arreguin/Hahn) to accept supplemental material from the City Manager on Item 40.

Vote: All Ayes.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 21 speakers.

Action: M/S/C (Arreguin/Taplin) to adopt the Consent Calendar in one motion except as indicated.

Vote: All Ayes.

Recess 8:07 p.m. – 8:27 p.m.

Urgent Item: Memorandum of Understanding with Alameda County for Temporary Coverage for Public Health Officer

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a Memorandum of Understanding with Alameda County authorizing Alameda County's Health Officer to provide essential Health Officer duties for Berkeley on a temporary basis after Dr. Lisa Hernandez resigns from City employment in early July.

Financial Implications: See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Action: Adopted Resolution No. 70,896–N.S.

1. **Bird Safe Building Requirements; Adding Berkeley Municipal Code Section 23.304.150**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,864-N.S. adding Berkeley Municipal Code Section 23.304.150 establishing Bird Safe Building requirements ("bird safe requirements") for projects that require a building permit.
First Reading Vote: Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted second reading of Ordinance No. 7,864–N.S.

2. **FY 2024 Tax Rate: Fund the Debt Service on the Affordable Housing General Obligation Bonds (Measure O, November 2018 Election)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,865-N.S. setting the FY 2024 tax rate funding the debt service on the Affordable Housing General Obligation Bonds (Measure O, November 2018) at 0.0250%.
First Reading Vote: Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert; Noes – None; Abstain – None; Absent – Bartlett, Arreguin.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,865–N.S.

Consent Calendar

- 3. FY 2024 Tax Rate: Fund Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF)**
From: City Manager, City Manager
Recommendation: Adopt second reading of Ordinance No. 7,866-N.S. setting the FY 2024 tax rate for funding Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF) in the City of Berkeley at the annual tax rate of \$0.1176 (11.76 cents) per square foot of improvements.
First Reading Vote: Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert; Noes – None; Abstain – None; Absent – Bartlett, Arreguin.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300, David Sprague, Fire, (510) 981-3473
Action: Adopted second reading of Ordinance No. 7,866–N.S.
- 4. FY 2024 Tax Rate: Fund Debt Service on Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,867-N.S. setting the FY 2024 tax rate for funding the debt service on the Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election) at 0.0050%.
First Reading Vote: Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert; Noes – None; Abstain – None; Absent – Bartlett, Arreguin.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,867–N.S.
- 5. FY 2024 Tax Rate: Fund Debt Service on 2015 Refunding General Obligation Bonds (Measures G, S & I)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,868-N.S. setting the FY 2024 tax rate funding the debt service on the 2015 consolidation of Measures G, S and I (General Obligation Bonds - Elections of 1992, 1996 and 2002) at 0.0115%.
First Reading Vote: Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert; Noes – None; Abstain – None; Absent – Bartlett, Arreguin.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,868–N.S.

Consent Calendar

- 6. FY 2024 Tax Rate: Fund the Debt Service on the Infrastructure and Facilities General Obligation Bonds (Measure T1, November 2016 Election)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,869-N.S. setting the FY 2024 tax rate funding the debt service on the Infrastructure and Facilities Improvements General Obligation Bonds (Measure T1, November 2016) at 0.0140%.
First Reading Vote: Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert; Noes – None; Abstain – None; Absent – Bartlett, Arreguin.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,869–N.S.
- 7. FY 2024 Tax Rate: Fund the Debt Service on the Street and Watershed Improvements General Obligation Bonds (Measure M, November 2012 Election)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,870-N.S. setting the FY 2024 tax rate funding the debt service on the Street and Integrated Watershed Improvements General Obligation Bonds (Measure M, November 2012) at 0.0065%.
First Reading Vote: Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert; Noes – None; Abstain – None; Absent – Bartlett, Arreguin.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,870–N.S.
- 8. FY 2024 Tax Rate: Business License Tax on Large Non-Profits**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,871-N.S. setting the FY 2024 tax rate for Business License Tax on large non-profits at \$0.7909 (79.09 cents) per square foot of improvements.
First Reading Vote: Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert; Noes – None; Abstain – None; Absent – Bartlett, Arreguin.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,871–N.S. and request the City Manager assess the impacts of the increased business license tax on Berkeley’s non-profit housing and arts agencies; provide options to address those impacts with a timeline for implementation; and return to the City Council after review by the City Attorney, by the end of October, 2023.

Consent Calendar

- 9. FY 2024 Tax Rate: Fund the Maintenance of Parks, City Trees and Landscaping**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,872-N.S. setting the FY 2024 tax rate for funding all improvements for the maintenance of parks, City trees, and landscaping in the City of Berkeley at \$0.2130 (21.30 cents) per square foot of improvements.
First Reading Vote: Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert; Noes – None; Abstain – None; Absent – Bartlett, Arreguin.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,872–N.S.
- 10. FY 2024 Tax Rate: Fund the Provision of Emergency Medical Services (Paramedic Tax)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,873-N.S. setting the FY 2024 tax rate for funding the provision of emergency medical services to Berkeley residents at \$0.0451 (4.51 cents) per square foot of improvements.
First Reading Vote: Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert; Noes – None; Abstain – None; Absent – Bartlett, Arreguin.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300.
Action: Adopted second reading of Ordinance No. 7,873–N.S.
- 11. FY 2024 Tax Rate: Fund Emergency Services for the Severely Disabled (Measure E)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,874-N.S. setting the FY 2024 tax rate for funding the provision of emergency services for the disabled at \$0.02018 (2.018 cents) per square foot of improvements.
First Reading Vote: Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert; Noes – None; Abstain – None; Absent – Bartlett, Arreguin.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,874–N.S.

Consent Calendar

12. Amendments to Berkeley Election Reform Act; Amending Berkeley Municipal Code Chapter 2.12

From: Fair Campaign Practices Commission

Recommendation: Adopt second reading of Ordinance No. 7,875-N.S. amending the Berkeley Election Reform Act (BMC Chapter 2.12) to modify the forms required to open a campaign committee, change the deadline to qualify for the public financing program and make associated amendments, clarify the rules for public financing candidates that do not qualify for the ballot, add an automatic inflator for the amount a public financing candidate can give to their own committee, clarify post-election processes for public financing candidates, modify the threshold to create a campaign committee, and clarify the rules for returning certain types of contributions.

First Reading Vote: All Ayes.

Financial Implications: None

Contact: Sam Harvey, Commission Secretary, (510) 981-6950

Action: Adopted second reading of Ordinance No. 7,875–N.S.

13. Amendments to the COVID-19 Emergency Response Ordinance; Amending Chapter 13.110 of the Berkeley Municipal Code

From: Mayor Arreguin (Author), Councilmember Harrison (Author), Councilmember Hahn (Author), Councilmember Robinson (Author)

Recommendation: Adopt second reading of Ordinance No. 7,876-N.S. amending Berkeley Municipal Code (BMC) Chapter 13.110, the COVID-19 Emergency Response Ordinance to adjust the required timeline to provide documentation proving that non-payment of rent was for a Covered Reason for Delayed Payment if an Unlawful Detainer is served.

First Reading Vote: Ayes – Taplin, Bartlett, Harrison, Hahn, Robinson, Arreguin; Noes – Humbert; Abstain – Kesarwani, Wengraf.

Financial Implications: None

Contact: Jesse Arreguin, Mayor, (510) 981-7100

Action: Adopted second reading of Ordinance No. 7,876–N.S.

Second Reading Vote: Ayes – Taplin, Bartlett, Harrison, Hahn, Robinson, Arreguin; Noes – None; Abstain – Kesarwani, Wengraf, Humbert.

14. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the Council meetings of May1 (Closed), May 2 (Special), May 8 (Closed), May 9 (Regular), May 15 (Closed), May 16 (Special and Special WS) and May 23 (Special and Regular).

Financial Implications: None

Contact: Mark Numainville, City Clerk, (510) 981-6900

Action: Approved the minutes as submitted.

Consent Calendar

15. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on June 27, 2023

From: City Manager

Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

Financial Implications: Street Light Poles for FY 2023 Fund - \$400,000

Contact: Henry Oyekanmi, Finance, (510) 981-7300

Action: Approved recommendation.

16. FY 2024 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)

From: City Manager, City Manager

Recommendation: Adopt first reading of an Ordinance setting the FY 2024 tax rate for funding Fire Protection and Emergency Response and Preparedness in the City of Berkeley at the rate of \$0.06062 (6.062 cents) per square foot of improvements for dwelling units and setting the rate for all other property at \$0.09173 (9.173 cents) per square foot of improvements.

Financial Implications: See report

Contact: Henry Oyekanmi, Finance, (510) 981-7300, David Sprague, Fire, (510) 981-3473

Action: Adopt first reading of Ordinance No. 7,877–N.S. Second reading scheduled for July 11, 2023.

17. FY 2024 Special Tax Rate: Fund the Provision of Library Services

From: City Manager, City Manager

Recommendation: Adopt first reading of an Ordinance setting the FY 2024 tax rate for funding the provision of Library Services in the City of Berkeley at \$0.2698 (26.98 cents) per square foot for dwelling units and \$0.4080 (40.80 cents) per square foot for industrial, commercial, and institutional buildings.

Financial Implications: See report

Contact: Henry Oyekanmi, Finance, (510) 981-7300, Tess Mayer, Library, (510) 981-6100

Action: Adopt first reading of Ordinance No. 7,878–N.S. Second reading scheduled for July 11, 2023.

18. Appropriations Limit for FY 2024

From: City Manager

Recommendation: Adopt a Resolution establishing the appropriations limit at \$342,803,053 for FY 2024 pursuant to Article XIII B of the Constitution of the State of California based on the calculations for the appropriations limit.

Financial Implications: See report

Contact: Henry Oyekanmi, Finance, (510) 981-7300

Action: Adopted Resolution No. 70,897–N.S.

Consent Calendar

- 19. Revisions to the Debt Management and Disclosure Policy**
From: City Manager
Recommendation: Adopt a Resolution accepting revisions to the Debt Management and Disclosure Policy.
Financial Implications: None
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 70,898–N.S.
- 20. FY 2024 Reaffirming the Investment Policy and Designation of Investment Authority**
From: City Manager
Recommendation: Adopt a Resolution reaffirming the current Investment Policy (no revisions are recommended) and to confirm the delegation of investment authority to the Director of Finance to make investments for FY 2024.
Financial Implications: None
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 70,899–N.S.
- 21. Contract: ZOLL Medical Corporation for ECG Monitor/Defibrillator Support**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and all amendments with Zoll Medical Corporation for data storage, preventative maintenance and service of X-Series Electrocardiogram (ECG) Monitor / Defibrillators for emergency response vehicles from July 1, 2023 to June 30, 2025 in an amount not to exceed \$106,000.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
Action: Adopted Resolution No. 70,900–N.S. as revised in Supplemental Communications Packet #2 by the City Manager to correct the not-to-exceed amount to \$145,000.
- 22. Contract: Stryker Corp. Preventative Maintenance and Service**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments, with Stryker Corporation to provide preventative maintenance and service to the Departments mechanical Cardio Pulmonary Resuscitation (CPR) units for three years from August 1, 2023 until August 1, 2026 in the amount not to exceed \$62,000.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
Action: Adopted Resolution No. 70,901–N.S.

Consent Calendar

- 23. Contract: US Digital Designs for Fire Station Emergency Alerting System**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a piggyback contract and any amendments with US Digital Designs using the National Purchasing Partners (NPP) contract No. 2020 in an amount not to exceed \$1,600,000 for the purchase, installation and maintenance of a Fire Station Emergency Alerting System from July 12, 2023 through June 2, 2026.
Financial Implications: Various Funds - \$1,600,000
Contact: David Sprague, Fire, (510) 981-3473
Action: Adopted Resolution No. 70,902–N.S.
- 24. Contract No. 32300112 Amendment: Harold Dichoso COVID-19 Outreach and Education.**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32300112 with Harold Dichoso, to extend the contract end date through June 30, 2024 and increase the not-to-exceed amount (NTE) by \$35,000 utilizing one-time grant funds. The amendment will increase the NTE amount from \$90,000 to \$125,000.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,903–N.S.
- 25. Fiscal Year 2023 Community Development Block Grant (CDBG) Public Facility Improvement Program Funds for Insight Housing’s (formerly Berkeley Food and Housing Project (BFHP)) Dwight Way Center**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to: 1. Allocate \$680,000 of FY 2023 federal CDBG funds available to the Public Facility Improvement Program, to Insight Housing (IH) to rehabilitate IH’s Dwight Way Center (DWC); and 2. Execute all resultant agreements and amendments with IH for the above-mentioned funds; and 3. Recapture any unspent CDBG funds awarded to IH for the resulting contract, if the funds are not spent by June 30, 2024.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,904–N.S.

Consent Calendar

- 26. Dell Computers, Inc.: Using County of Riverside Amendment No. 1 to the Licensing Solution Provider Agreement with Dell Marketing L.P. for Computer Hardware and Software Purchases**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to increase spending authority with Dell Computers, Inc. for the purchase of computer and server hardware, software, and related services, utilizing pricing and contracts, amendments, and extensions from the County of Riverside Amendment No. 1 to the Licensing Solution Provider for the period beginning November 1, 2019 through October 31, 2024 for an amount not-to-exceed (NTE) \$1,939,538 in Fiscal Year 2024.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 70,905–N.S. as revised in Supplemental Communications Packet #2 from the City Manager to correct the not-to-exceed amount to \$3,707,238.
- 27. Contract No. 10549B Amendment: Tyler Technologies Enterprise Resource Planning System for ongoing software licensing, maintenance services, and disaster recovery services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10549B with Tyler Technologies for software licensing, maintenance services, and disaster recovery services for the online Enterprise Resource Planning (ERP) system for the amount not to exceed \$1,000,000 and a total contract value not to exceed \$4,705,343 from April 1, 2017 to June 30, 2025.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 70,906–N.S.
- 28. Contract: R.X. Lodge, Inc. for the West Side Aquatic Park Tree Planting and Irrigation Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the West Side Aquatic Park Tree Planting and Irrigation Project, Specification No. 23-11587-C; and 2. Accepting the bid of the lowest responsive and responsible bidder, R.X. Lodge, Inc.; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with R.X. Lodge, Inc. for the West Side Aquatic Park Tree Planting and Irrigation Project in an amount not to exceed \$263,000, which includes a contract amount of \$213,000 and a 23.5% contingency in the amount of \$50,000.
Financial Implications: \$263,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,907–N.S.

Consent Calendar

**29. Grant Application: USDA Forest Service – Berkeley Urban Forestry Project
From: City Manager**

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant application in the amount of up to \$3,800,000 to the federal USDA Forest Service grant program for the Berkeley Urban Forestry Project; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize up to \$4,200,000 in local in-kind match, including up to \$3,200,000 in local cash match, and authorizes the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.

Financial Implications: Revenue - \$3,800,000

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Action: Adopted Resolution No. 70,908–N.S.

30. Donation: Two Memorial Benches at Cesar Chavez Park in memory of Richard & Gloria Crocker

From: City Manager

Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$6,800 for two memorial benches to be placed at Cesar Chavez Park in memory of Richard and Gloria Crocker.

Financial Implications: Revenue - \$6,800

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Action: Adopted Resolution No. 70,909–N.S.

**31. Contract: Citygate for Police Department Staffing and Workload Study
From: City Manager**

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Citygate Associates, LLC (Contractor) to provide a staffing and workload study from June 30, 2023 to June 30, 2024, in an amount not to exceed \$120,000 with an option to extend for an additional two years, for a total contract amount not to exceed \$200,000.

Financial Implications: General Fund - \$200,000

Contact: Jennifer Louis, Police, (510) 981-5900

Action: Adopted Resolution No. 70,910–N.S.

Consent Calendar

32. **Contracts: On-Call Survey Services**

From: City Manager

Recommendation: Adopt three Resolutions authorizing the City Manager to execute the following contracts and any amendments for on-call survey services for capital improvement projects and the Engineering Division, each for a period of July 1, 2023 through June 30, 2026:

1. Cunha Surveying, Inc. (Cunha) in an amount not to exceed \$400,000;
2. Kister, Savio & Rei, Inc. (KSR) in an amount not to exceed \$400,000;
3. MNS Engineers, Inc. (MNS) in an amount not to exceed \$400,000.

Financial Implications: See report

Contact: Liam Garland, Public Works, (510) 981-6300

Action: Adopted Resolution No. 70,911–N.S. (Cunha), Resolution No. 70,912–N.S. (KSR), and Resolution No. 70,913–N.S. (MNS).

33. **Contracts: On-Call Geotechnical and Engineering Testing Services**

From: City Manager

Recommendation: Adopt five Resolutions authorizing the City Manager to execute the following contracts and any amendments for on-call geotechnical and engineering testing services for capital improvement projects, each for a period of July 1, 2023 through June 30, 2026:

1. BSK Associates (BSK), for an amount not to exceed \$400,000;
2. Inspection Services, Inc. (ISI), for an amount not to exceed \$400,000;
3. Ninyo & Moore, for an amount not to exceed \$400,000;
4. Alan Kropp & Associates (Alan Kropp), for an amount not to exceed \$150,000;
5. Fisher Geotechnical, for an amount not to exceed \$150,000.

Financial Implications: See report

Contact: Liam Garland, Public Works, (510) 981-6300

Action: Adopted Resolution No. 70,914–N.S. (BSK), Resolution No. 70,915–N.S. (ISI), Resolution No. 70,916–N.S. (Ninyo), Resolution No. 70,917–N.S. (Alan Kropp), and Resolution No. 70,918–N.S. (Fisher).

34. **Contract: Bay Cities Paving & Grading, Inc. for Southside Complete Streets Project**

From: City Manager

Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the Southside Complete Streets Project (“Project”), Specification No. 23-11572-C, Federal Aid Project No. CMSTPL-5057(051); 2. Accepting the bid of Bay Cities Paving & Grading, Inc., the lowest responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract with Bay Cities Paving & Grading, Inc. and any amendments, extensions, and/or change orders until completion of the Project in accordance with the approved plans and specifications, in an amount not to exceed \$12,973,925, which includes a 20% contingency for unforeseen circumstances.

Financial Implications: See report

Contact: Liam Garland, Public Works, (510) 981-6300

Action: Adopted Resolution No. 70,919–N.S.

Consent Calendar

- 35. Contract: Downtown Streets Team for Hand Sweeping, Graffiti and Litter Abatement, Poster Removal, and Low Barrier Volunteer Work Experience Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract, and any amendments or extensions, with Downtown Streets Team for hand sweeping, graffiti and litter abatement, poster removal, and low barrier volunteer work experience program. The contract will be in an amount not to exceed \$1,625,500 for the period August 1, 2023 through August 30, 2027.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,920–N.S.
- 36. Contract No. 32000147 Amendment: Trip Stop Sidewalk Repair, Inc. for FY 2020 Sidewalk Inspection and Shaving Services Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000147 with Trip Stop Sidewalk Repair, Inc. (Trip Stop) for FY2020 Sidewalk Inspection and Shaving Services, increasing the contract amount by \$835,969 for a total not-to-exceed amount of \$2,285,969.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,921–N.S.
- 37. Ground Lease Agreement – RM Ventures LLC, d.b.a In the Wood Grill and Bar for Nonexclusive Use of Elmwood Parking Lot Pedestrian Paseo**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a ground lease agreement with RM Ventures LLC d.b.a., In the Wood Grill and Bar for the nonexclusive use of a portion of the Elmwood Parking Lot Pedestrian Access Path (“Paseo”), a City-owned midblock pedestrian path connecting the City’s Elmwood Parking Lot to College Avenue in the Elmwood Neighborhood Shopping District, for an initial term of ten (10) years with one optional ten (10) year lease extension.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Item removed from the agenda by the City Manager.

Consent Calendar

- 38. SteelWave donation for pedestrian safety improvements in West Berkeley**
From: City Manager
Recommendation: Adopt a Resolution accepting \$40,000 cash donation for the Addison Bike Boulevard project and Vision Zero traffic safety improvements in West Berkeley from SteelWave LLC.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,922–N.S.
- 39. goBerkeley SmartSpace Pilot Program Evaluation & Next Steps**
From: City Manager
Recommendation:
1. Adopt a Resolution directing staff to maintain SmartSpace visitor paid parking in the Southside and employee parking permits in the Elmwood; and
2. Adopt a Resolution updating existing schedule of parking violations and fines to include parking violations and late payment penalties related to pay-by-plate pay stations in the SmartSpace area and enforcing transit-only lanes, and rescinding Resolution 68,902-N.S. 3. Direct staff to incorporate into existing Residential Preferential Parking (RPP) referral(s) an assessment of the use of visitor paid parking and/or employee parking permits in other RPP areas.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,923–N.S. (maintain parking), and adopted Resolution No. 70,924–N.S. (schedule of violations and fines).
- 40. Approving Proposed Projects Anticipated to be paid for by the State’s Road Maintenance and Rehabilitation Account Funds for FY 2023-24**
From: City Manager
Recommendation: Adopt a Resolution approving a proposed list of projects that will utilize funding from the State of California’s Road Maintenance and Rehabilitation Account, and authorize the City Manager to submit the proposed list to the California Transportation Commission.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,925–N.S. including supplemental materials from the City Manager accepted at the meeting regarding the estimated timelines for proposed paving segments.

Consent Calendar

41. Extending the Community Workforce Agreement with Building & Construction Trades Council, et al., for Construction Projects Over \$500,000

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment to the Community Workforce Agreement with the Alameda County Building & Construction Trades Council, and twenty-two labor organizations on City capital improvement projects with an estimated value in excess of \$500,000 to extend the agreement through June 30, 2026.

Financial Implications: See report

Contact: Liam Garland, Public Works, (510) 981-6300

Action: Adopted Resolution No. 70,926–N.S.

42. Request That City Council Strongly Recommend That HUD-Owned Harriet Tubman Terrace Apartments Install Solar Battery Back-up Battery Capability To Meet Medical Needs Of Their Residents During Loss Of Electrical Power And Consider Same Action For Other HUD Properties In Berkeley

From: Disaster and Fire Safety Commission

Recommendation: The Disaster and Fire Safety Commission (DFSC) is requesting that Berkeley City Council strongly recommend that The Department of Housing and Urban Development (HUD) owned Harriet Tubman Terrace Apartments install solar battery back-up battery capability to meet the medical needs of their residents during loss of electrical power and consider the same action for other HUD properties in Berkeley.

Financial Implications: None

Contact: Keith May, Commission Secretary, (510) 981-3473

Action: Approved recommendation.

43. Establishment of a Sister City Relationship with Las Vegas, Santa Bárbara, Honduras

From: Peace and Justice Commission

Recommendation: Adopt a Resolution establishing a sister city relationship with the municipality of Las Vegas in the Santa Bárbara department of Honduras.

Financial Implications: None

Contact: Okeya Vance-Dozier, Commission Secretary, (510) 981-7100

Action: Adopted Resolution No. 70,927–N.S.

Council Consent Items

44. Contract No. 32000196 Amendment: Szabo & Associates for Communications Consulting Services

From: Mayor Arreguin (Author)

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000196 with Szabo & Associates for communications consulting services for the Mayor's Office, increasing the contract amount by \$78,000 for a new total not to exceed \$303,500, and extending the contract term to June 30, 2024.

Financial Implications: General Funds - \$78,000

Contact: Jesse Arreguin, Mayor, (510) 981-7100

Action: Adopted Resolution No. 70,928–N.S.

Vote: Ayes – Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – Kesarwani.

45. Berkeley Food Utility and Access Resilience Measure (FARM) (Reviewed by the Health, Life Enrichment, Equity, & Community Committee)

From: Councilmember Bartlett (Author), Mayor Arreguin (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor)

Recommendation:

1. Refer to the City Manager the task of protecting the City's food supply from natural disasters and economic disruptions by promoting the efforts of community-based organizations to design and implement an integrated local food production and distribution system for the City of Berkeley.

2. Refer to the City Manager and the Office of Economic Development resources to research and return to the Council potential economic incentives for non-profits, agricultural producers, and small businesses to partner with the City of Berkeley to support the implementation of FARM.

3. Adopt a resolution to support the goals of the FARM initiative and the development of hyperlocal urban food production with community-based organizations.

Policy Committee Recommendation: To send the item to Council with a positive recommendation.

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Action: Approved as recommended by the Health, Life Enrichment, Equity, & Community Committee and adopted Resolution No. 70,929–N.S.

Vote: Ayes – Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – Kesarwani.

Council Consent Items

- 46. Street Pavement Painting: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Bartlett (Author)
Recommendation: Adopt a Resolution approving the expenditure of funds, including \$1000.00 from Vice Mayor Bartlett, to Healthy Black Families, Inc. for the Ellis Street art renovation. The funds will be relinquished to the City's General Fund from the discretionary council office budget of Vice Mayor Ben Bartlett and the discretionary council office budgets of any other City Councilmembers who would like to contribute.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Adopted Resolution No. 70,930–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Harrison - \$500; Councilmember Robinson - \$500; Councilmember Hahn - \$300; Councilmember Kesarwani - \$100; Councilmember Humbert - \$250.
- 47. Reparations Now Community Art Mural Restoration and Preservation**
From: Councilmember Bartlett (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Direct the City Manager to authorize, preserve, protect, and authorize the Reparations Now mural on Ellis Street (next to Malcolm X Elementary School) to continue the legacy of educational spaces for all community members to view it in the City of Berkeley.
Financial Implications: None
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Approved recommendation.
- 48. Support for AB-660 Food Labeling (Assemblymember Irwin)**
From: Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution in support of AB-660 Food Labeling: quality dates, safety dates, and sell by dates (Assemblymember Jacqui Irwin), and send copies to Assembly Members Irwin and Wicks and Senator Skinner.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Adopted Resolution No. 70,931–N.S.

Action Calendar – Public Hearings

49. Public Hearing on Zero Waste Five-Year Rate Schedule

From: City Manager

Recommendation: Conduct a public hearing, complete the majority protest process required by Proposition 218, and upon the conclusion of the public hearing, if there is no majority protest, adopt a Resolution setting FY 2024-2028 rates for residential and commercial refuse, compost, and recycling collection.

Financial Implications: See report

Contact: Liam Garland, Public Works, (510) 981-6300

Public Testimony: The Mayor opened the public hearing. 9 speakers.

M/S/C (Arreguin/Hahn) to close the public hearing.

Vote: Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

Councilmember Bartlett absent 9:15 p.m. – 9:27 p.m.

Action: M/S/C (Harrison/Arreguin) to adopt Resolution No. 70,932–N.S., with the amended fifth Whereas clause below, setting FY 2024-2028 rates for residential and commercial refuse, compost, and recycling collection.

WHEREAS, on April 25, 2023, the City Council also requested that the City Manager return to Council in two years, after the Strategic Plan is completed, to review the rates; referred to the City Manager the four alternatives from the staff report (opt out of service, bi-weekly, or shared collection, eliminate 64 or 96 gallon bins, and/or surcharge for 64- and 96-gallon bins); consider cost reduction and the Strategic Plan's impact on rates; and referred to the City Manager analysis of possible solutions for subsidizing smaller bin sizes; and

Vote: All Ayes.

50. Biennial Syringe Services Report

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, accept the Biennial Syringe Services Report.

Financial Implications: See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Public Testimony: The Mayor opened the public hearing. 0 speakers.

M/S/C (Arreguin/Harrison) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Arreguin/Hahn) to accept the Biennial Syringe Services Report.

Vote: All Ayes.

Action Calendar – Public Hearings

51. Approval and Levy of 2018 Clean Stormwater Fee in FY 2024

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution approving the proposed adjusted fees for the 2018 Clean Stormwater Fee and ordering the levy of the fees in Fiscal Year 2024.

Financial Implications: See report.

Contact: Liam Garland, Public Works, (510) 981-6300

Public Testimony: The Mayor opened the public hearing. 0 speakers.

M/S/C (Arreguin/Hahn) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Arreguin/Hahn) to adopt Resolution No. 70,933–N.S. approving the proposed adjusted fees for the 2018 Clean Stormwater Fee and ordering the levy of the fees in Fiscal Year 2024.

Vote: All Ayes.

52. Levy and Collection of Fiscal Year 2024 Street Lighting Assessments

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt Resolutions confirming the assessments for the Berkeley Street Lighting Assessment District No. 1982-1 and the Street Lighting Assessment District 2018, approving the Engineer's Reports, and authorizing the levying and collection of assessments in Fiscal Year 2024.

Financial Implications: See report

Contact: Liam Garland, Public Works, (510) 981-6300

Public Testimony: The Mayor opened the public hearing. 0 speakers.

M/S/C (Arreguin/Wengraf) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Arreguin/Hahn) to adopt Resolution No. 70,934–N.S. confirming the assessments for the Berkeley Street Lighting Assessment District No. 1982-1 and adopt Resolution No. 70,935–N.S. for the Street Lighting Assessment District 2018, approving the Engineer's Reports, and authorizing the levying and collection of assessments in Fiscal Year 2024.

Vote: All Ayes.

Action Calendar – New Business

Action Calendar – New Business

53. FY 2024 Proposed Budget Update Adoption

From: City Manager

Recommendation: Adopt a Resolution: 1. Adopting the FY 2024 Proposed Budget Update (“FY 24 Proposed Budget”) as presented to Council on May 16, 2023, and as amended by subsequent Council action. 2. Authorizing the City Manager to provide applicable advances to selected community agencies receiving City funds in FY 2024, as reflected in Attachment 2 to the report, and as amended by subsequent Council action.

Financial Implications: See report

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

Action: M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:30 p.m.

Vote: All Ayes.

Action: M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 12:00 a.m.

Vote: All Ayes.

Action: M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 12:20 a.m.

Vote: All Ayes.

Action: M/S/Failed (Harrison/Bartlett) to:

1. Adopt Resolution No. 70,936–N.S. adopting the FY 2024 Proposed Budget Update (“FY 24 Proposed Budget”) as presented to Council on May 16, 2023, and as revised in Supplemental Communications Packet #2 from the City Manager’s Office, including Exhibit C – The Mayor’s Recommended Budget Allocations; and as amended by subsequent Council action;

2. Authorizing the City Manager to provide applicable advances to selected community agencies receiving City funds in FY 2024, as reflected in Attachment 2 to the report, and as amended by subsequent Council action;

3. To adopt the proposed resolutions to approve the allocations for the Harold Way placemaking and Martin Luther King, Jr. Way at Haste Street traffic safety upgrades from the SOSIP fund.

4. To refer the Tier 1 requests for the Re-Imagining Public Safety Process to the November 2023 Annual Appropriations Ordinance #1 process.

5. Approve an allocation of \$50,000 for a Mobility Justice Consultant for the analysis of the impacts of fines and fees.

Vote: Ayes – Bartlett, Harrison; Noes – Kesarwani, Taplin, Hahn, Wengraf, Humbert, Arreguin; Abstain – Robinson.

Action: 24 speakers. M/S/Carried (Arreguin/Taplin) to:

1. Adopt Resolution No. 70,936–N.S. adopting the FY 2024 Proposed Budget Update (“FY 24 Proposed Budget”) as presented to Council on May 16, 2023, and as

Action Calendar – New Business

revised in Supplemental Communications Packet #2 from the City Manager's Office, including Exhibit C – The Mayor's Recommended Budget Allocations; and as amended by subsequent Council action;

2. Authorizing the City Manager to provide applicable advances to selected community agencies receiving City funds in FY 2024, as reflected in Attachment 2 to the report, and as amended by subsequent Council action;

3. Adopt Resolution No. 70,937-N.S. (Harold Way) and Resolution No. 70,938-N.S. (MLK Jr. Way) approving the allocations for the Harold Way placemaking and Martin Luther King, Jr. Way at Haste Street traffic safety upgrades from the SOSIP fund.

4. To refer the Tier 1 requests for the Re-Imagining Public Safety Process to the November 2023 Annual Appropriations Ordinance #1 process.

Vote: All Ayes.

54. FY 2024 Annual Appropriations Ordinance

From: City Manager

Recommendation: Adopt first reading of an Ordinance adopting the FY 2024 Annual Appropriations Ordinance (AAO) in the amount of \$718,932,025 (gross appropriations) and \$610,760,531 (net appropriations).

Financial Implications: See report

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

Action: 0 speakers. M/S/C (Arreguin/Wengraf) to adopt first reading of Ordinance No. 7,879–N.S. as revised in Supplemental Communications Packet #2 by the City Manager. Second reading scheduled for July 11, 2023.

Vote: All Ayes.

55. Borrowing of Funds and the Sale and Issuance of FY 2023-24 Tax and Revenue Anticipation Notes

From: City Manager

Recommendation: Adopt a Resolution approving the borrowing of \$25,000,000 and the sale and issuance of Fiscal Year 2023-24 Tax and Revenue Anticipation Notes.

Financial Implications: See report

Contact: Henry Oyekanmi, Finance, (510) 981-7300

Action: 0 speakers. M/S/C (Arreguin/Hahn) to adopt Resolution No. 70,939–N.S.

Vote: Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

Councilmember Bartlett absent 8:27 p.m. – 8:32 p.m.

Action Calendar – Old Business

56. **Adopting a temporary exemption from the collection of taxes under BMC Chapter 9.04.136(D): Tax Rate for Non-Medical and Medical Cannabis Businesses** *(Continued from May 23, 2023)*
From: Councilmember Bartlett (Author), Mayor Arreguin (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Humbert (Co-Sponsor)
Recommendation:
1. Adopt a temporary exemption (per 9.04.136(D)) on the collection of the taxes for all non-medical and medical cannabis businesses, retroactive to January 2023 and ending July 2025; Waive any late penalties that may have accrued since January 2023; any and all tax payments already made to the City for Q1 2023 will apply as a credit against a future tax or fee payment to the City; and
 2. Refer to the City Manager and Cannabis Commission and/or its successor, the Planning Commission, to analyze and develop an ordinance adjusting local cannabis business tax rates by February 2025 that are in balance with the state cannabis tax rates, with an eye to the ability for the cannabis industry to become a sustainable economic driver for the City of Berkeley.
 3. Licensed cannabis businesses in Berkeley will pay the business license tax that applies to their respective area of the market during the moratorium, like retail, manufacturing, etc.
- Financial Implications:** Loss of tax revenue
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Moved to Consent Calendar. Councilmembers Harrison and Humbert added as co-sponsors.
1. Adopt first reading of Ordinance No. 7,880–N.S. as written in Supplemental Communications Packet #1. Second reading scheduled for July 11, 2023.
 2. Approved recommendation.
 3. Approved recommendation.

Information Reports

57. **Voluntary Time Off Program for Fiscal Year 2024**
From: City Manager
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000
Action: Received and filed.
58. **Status Report - Berkeley's Financial Condition (FY 2012 – FY 2021): Pension Liabilities and Infrastructure Need Attention**
From: City Manager
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000
Action: Referred to the Agenda & Rules Committee for scheduling at a City Council Worksession.

Information Reports

59. **FY 2023 Third Quarter Investment Report: Ended March 31, 2023**
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Received and filed.
60. **Update on the Implementation of Fair and Impartial Policing Task Force Recommendations**
From: City Manager
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Received and filed.
61. **Zero Waste Commission Fiscal Year 2023-24 Work Plan**
From: Zero Waste Commission
Contact: Julia Heath, Commission Secretary, (510) 981-6300
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 4 speakers.

Adjournment

Action: M/S/C (Arreguin/Taplin) to adjourn the meeting.

Vote: Ayes – Kesarwani, Taplin, Hahn, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Bartlett, Harrison, Wengraf.

Councilmember Bartlett absent 12:09 am – 12:17 a.m.

Councilmember Harrison absent 12:09 am – 12:17 a.m.

Councilmember Wengraf absent 12:09 am – 12:17 a.m.

Adjourned at 12:17 a.m.

I hereby certify that the forgoing is a true and correct record of the regular meeting held on June 27, 2023.

Mark Numainville, City Clerk

Communications

Item #49: Public Hearing on Zero Waste Five-Year Rate Schedule

1. Gail Greenwood
2. Sabina McMurtry
3. Mariane Conchita Ferme
4. Gerhard Blendstrup
5. Barbara Gilbert

6. Keith Winnard
7. Michelle Falise
8. Dorothea Dorenz
9. Gran Haselsteiner
10. Glen Hauer
11. Robert Lauriston
12. Keith Winnard

Police Accountability Board (PAB)

13. Councilmember Humbert

BART Development

14. Lana Golden
15. Victoria Kahn
16. Carol Hirth

The Multicultural Institute

17. Eduardo Rosas

\$100,000 Budget Referral for Harold Way Schematic Design

18. Downtown Berkeley Association

Elliott Halpern's Memorial Program

19. Boona cheema
20. Councilmember Harrison

Abatement Notice: 1510 Rose Street #A

21. Sara Kershner

Crime and Safety in Berkeley

22. Judy Bertelsen
23. Cara and Brad
24. Alexander Merenkov
25. Eric Friedman

BUSD Students Are Climate Scholars?

26. Walter Wood

Disability Commissions Meeting Locations and Zoom

27. Kelly Hammargren

Cities Charge for Responding to DUI Accidents

28. David Lerman

Marina Docks in Need of Replacement

29. Dan Bohn (2)

Gender Disparities in City Contracting

30. Commission on the Status of Women

Ferry Idea

31. Dorothea Dorenz

U Visa Processes

32. Prerna Lal

Work on 9th Street

33. Margret Elliott

Bird Safe Windows

34. Barbara Gilbert

Repaving Hopkins Corridor and more

35. Edward Opton

36. Ross Bernet

37. Phyllis Orrick

38. Lucy Laird

39. Helen Hallberg

40. Lee Bishop

41. Marcus Daniels

42. Jordan Burns

43. Pablo Diza-Gutierrez

44. Cindi Goldberg

45. Howard Goldberg

46. Carol Hirth

47. Marc Hedlund

48. Julia Moss

49. Laura Fujii

50. Lisa Chow

51. Ray Freeman

52. Walter Wood

53. Nancy Rader

54. Henry Pinkard

55. David Gilbert

56. Barry Fike

57. Alyssa Plese

58. Heath Maddox

59. Leni Siegel

60. Matt Weber

61. David Shere

62. Cathy Edwards

63. Tom Lent

64. Diane Garcia

65. Derrick Johnson

- 66. Bill Hoffmann
- 67. Sheila Newbery
- 68. Corey Busay
- 69. Tracee Farrell
- 70. Max Gara
- 71. S. Entwistle
- 72. Donna DeDiemar

Bus Transit Development Along University Avenue

- 73. Nicola Spence and Hans Reinhardt, owners of Alpha Design Custom Furniture

Homelessness Solutions via the City of Houston

- 74. Bryan Bowman

Disgruntled

- 75. Steve Byerly

Rights Are Based On Me

- 76. Benjamin Stein

MLK Civic Center Park

- 77. Erik Fowle

Horse Racing Deaths

- 78. Carole Kalous
- 79. Wanda Warkentin

Cell Tower at 1321 Gilman Street

- 80. Carol Hirth

URL's Only

- 81. Vivian Warkentin (3)
- 82. Bob Flasher

Supplemental Communications and Reports 1

Item #44: Contract No. 32000196 Amendment: Szabo & Associates for Communications Consulting Services

- 83. Barbara Gilbert

Item #49: Public Hearing on Zero Waste Five-Year Rate Schedule

- 84. Lance Williams
- 85. Councilmember Harrison
- 86. Barbara Gilbert

Item #56: Adopting a temporary exemption from the collection of taxes under BMC Chapter 9.04.136(D): Tax Rate for Non-Medical and Medical Cannabis Businesses

- 87. Revised material, submitted by Councilmember Bartlett and Mayor Arreguin

Supplemental Communications and Reports 2

Item 21: Contract: ZOLL Medical Corporation for ECG Monitor/Defibrillator Support

88. Revised material, submitted by Fire Department

Item 26: Dell Computers, Inc.: Using County of Riverside Amendment No. 1 to the Licensing Solution Provider Agreement with Dell Marketing L.P. for Computer Hardware and Software Purchases

89. Revised material, submitted by Information Technology Department

Item #47: Reparations Now Community Art Mural Restoration and Preservation

90. Gary Miguel

91. Masha Albrecht

92. Lynn Cooper

93. Priscilla Hine

94. Linda Olivenbaum

95. Catherine Huchting

Item #49: Public Hearing on Zero Waste Five-Year Rate Schedule

96. Rafael Paschoal

97. Summer Brenner

98. Gael Alcock

99. Diane Kanegae

100. Sally Nelson

101. Bruce Flushman

102. Alexander Saldanha

103. Berkeley Neighborhood Council

Item #53: FY 2024 Proposed Budget Update Adoption

104. Revised material, submitted by the City Manager's Office

105. Cristina Ibarra

106. George Lippman

Item 54: FY 2024 Annual Appropriations Ordinance

107. Revised material, submitted by the City Manager's Office

Memorandum of Understanding with Alameda County for Temporary Coverage for Public Health Officer

108. Urgent item submitted by Health, Housing and Community Services

Supplemental Communications and Reports 3

Item #40: Approving Proposed Projects Anticipated to be paid for by the State's Road Maintenance and Rehabilitation Account Funds for FY 2023-24

109. Revised material, submitted by Public Works

Item #41: Extending the Community Workforce Agreement with Building & Construction Trades Council, et al, for Construction Projects Over \$500,000

- 110. Alycia Singh, on behalf of Associated Builder and Contractors of Northern California

Item #47: Reparations Now Community Art Mural Restoration and Preservation

- 111. Phuoc Le
- 112. Sally Hindman
- 113. Johanna

Item #53: FY 2024 Proposed Budget Update Adoption

- 114. Presentation, submitted by the City Manager's Office
- 115. Berkeley People's Budget Coalition (2)
- 116. David Brandon
- 117. Angela Jernigan
- 118. Laura Cornwall

Urgent Item

Memorandum of Understanding with Alameda County for Temporary Coverage for Public Health Officer

- 119. Eric Friedman
- 120. Todd Andrew

Miscellaneous Communications

- 121. Message from EID

